

REMARKS

This Amendment is being filed in response to the Final Office Action mailed May 15, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1, 4-8, 11-21 and 23 remain in this application, where claims 2-3, 9-10 and 22 have been canceled by this amendment without prejudice. Applicant reserves the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

In the Office Action, claims 1-23 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over an article entitled "RADAR: An In-Building RF-based User Location and Tracking System" (Bahl) in view of an article entitled "Development and Evaluation on the Millimeter-wave Indoor Wireless LAN Demonstrators" (Kato). It is respectfully submitted that claims 1, 4-8, 11-21 and 23 are patentable over Bahl and Kato for at least the following reasons.

Bahl is directed to locating devices in a building using

signal strength information (SS). Trilateration and an empirical method are used to achieve an accuracy of 3 meters. Bahl is completely silent about using any base station with an antenna having a  $\text{cosec}^2$  sensitivity pattern. Kato is cited in an attempt to remedy the deficiencies in Bahl.

Kato is directed to millimeter-wave indoor wireless LAN demonstrators that include side-looking system having a base station antenna with a cosecant-square elevation pattern and a fan-beam azimuth pattern, as described in section III. As shown in FIG 2, a single base station is provided in a room.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claims 6 and 12, amongst other patentable elements recites (illustrative emphasis provided) :

providing base stations including a first base station with an antenna having a  $\text{cosec}^2$  sensitivity pattern oriented longitudinally and a second base station with an antenna having a  $\text{cosec}^2$  sensitivity pattern oriented laterally.

At least two base station with  $\text{cosec}^2$  sensitivity pattern oriented longitudinally and laterally are nowhere disclosed or suggested in Bahl, Kato, and combination thereof. Accordingly, it

PATENT

Serial No. 10/536,819

Amendment in Reply to Office Action of May 15, 2008

is respectfully requested that independent claims 1, 6 and 12 be allowed. In addition, it is respectfully submitted that claims 4-5, 7-8, 11, 13-21 and 23 should also be allowed at least based on their dependence from independent claims 1, 6 and 12, as well as their individually patentable elements.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

PATENT

Serial No. 10/536,819

Amendment in Reply to Office Action of May 15, 2008

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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